THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO.20248 OF 2005

Dated 16th September 2005

Between:

P.Sai Praveen Reddy S/o.Appalaraju,

R/o.Thugamadugula village,

Addatheegala Mandal, E.G.District.

…Petitioner

And

Commissioner of Tribal Welfare,

Masab Tank, Hyderabad & others

…Respondents

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O R D E R:

The petitioner appeared in the Entrance Examination, for admission into I-Year of M.B.B.S. course, for the academic year 2005-06. The petitioner studied Intermediate, and through out his career, he was recognized as a candidate belonging to Scheduled Tribe. During the course of counseling for allotment of candidates, the Caste Certificate produced by the petitioner was referred to for verification, to the 1st respondent. He, in turn, issued a memo, dated 27.07.2005, requiring the petitioner to appear before the 2nd respondent on 2.8.2005, and produce proof, in support of his claim. It was further observed that the purpose of conducting enquiry on 2.08.2005, is to place the matter before the District Level Scrutiny and Review Committee. The

grievance of the petitioner is that on account of the delay in the process of verification, his admission is being delayed, and there is every likelihood of denial of the seat, on the grounds of delay.

Heard the learned counsel for the petitioner and the learned Government Pleader for Social Welfare.

The Andhra Pradesh (SC, ST, BCs) Regulation of Issue of Community Certificates Act, 1993, for short "the Act", prescribes the procedure for issuance of Caste Certificates in favour of the candidates belonging to S.C., S.T., and B.C. The certificate issued to a candidate, in accordance with the provisions of the Act, enables him to secure admission, or claim other benefits, which are provided for to the concerned community. The Act also provides for cancellation of the certificate, if it is noticed, at a later stage, that the certificate was issued, on the basis of any wrong information, or if the candidate was found otherwise unfit to hold that status.

The petitioner came to be selected for admission into I-Year of M.B.B.S. Course, against a seat reserved in favour of Scheduled Tribe candidate. To ensure that the genuine candidates alone reap the benefit of reservation, the 1st respondent is conferred with the power to scrutinize the claims, at the time of admission, and even to reopen the matter *suo motu*. It is in this context that the case of the petitioner came for verification. The proceedings came to be issued, way back on 27.07.2005. Admission into professional colleges is a time bound process, and the courses themselves are of limited duration. If the admission of the petitioner is kept aside, till the action contemplated by respondents 1 and 2 is completed, there is every likelihood of the petitioner being denied the admission itself.

The 1st respondent has issued a memo, dated 27.07.2005, with a view to forward the matter to District Level Scrutiny and Review Committee. Even where the verification is taken up, the certificate does not loose its significance. It is only when the Caste Certificate is cancelled, that the holder thereof would be denied of the benefit thereunder. Under Rule 19 of the Andhra Pradesh (SC, ST, BCs) Regulation

of Issue of Community Certificates Rules, 1997, it is permissible to grant provisional certificate, where the application for issuance of certificate is under process. The petitioner cannot be relegated to worse position than that. Section 21 of the Act mandates that till a certificate issued to a candidate is cancelled; the candidate is entitled for the benefit thereunder.

For the foregoing reasons, the writ petition is allowed, and the 5th respondent shall process the admission of the petitioner, without waiting for the report from the respondents 1 and 2 and District Level Scrutiny and Review Committee. He, shall, however incorporate a clause to the effect that in case the Caste Certificate of the petitioner is cancelled, before the petitioner completes the course, he shall not be entitled to pursue it further. There shall no order as to costs.

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16th September 2005

Note: C.C. in three days.

(B/o)

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